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and

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Attorneys for Plaintiff Federal Express Corporation

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
FEDERAL EXPRESS CORPORATION,

Plaintiff,

Case No.: 1:10-cv-06343-PAC

-v-

ANDREW CUOMO, IN HIS OFFICIAL
CAPACITY AS ATTORNEY GENERAL OF
THE STATE OF NEW YORK, OFFICE OF THE
ATTORNEY GENERAL OF THE STATE
OF NEW YORK,

**NOTICE OF DISMISSAL
WITHOUT PREJUDICE**

Defendants.
-----X

COMES NOW Plaintiff Federal Express Corporation and pursuant to Rule 41(a)(1)(A)(i) of the *Federal Rules of Civil Procedure* files this Notice of Dismissal Without Prejudice as the issues and claims raised in this matter are now moot because the Attorney General has formally terminated his investigation of Federal Express

**USDC SDNY
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ELECTRONICALLY FILED
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DATE FILED: 17 SEP 2010**

Corporation by voluntarily withdrawing the May 24, 2010 and thereafter amended June 3, 2010 *Subpoena Duces Tecum and Ad Testificandum* at issue in this case. This cause of action is hereby dismissed without prejudice with each party to bear its own fees and costs.

The Clerk of Court shall close this case.

Date: September 22, 2010.

FEDERAL EXPRESS CORPORATION

By: /s Colby S. Morgan
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Attorneys for Plaintiff
FEDERAL EXPRESS CORPORATION

SO ORDERED:  27 SEP 2010

HON. PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE